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Washington, D.C. 20231 on May 3, 1999

Patent Application
UF-206X
Serial No. 09/172,689

David R. Saliwanchik
David R. Saliwanchik, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Eric B. Bish, Daniel J. Cantliffe, Craig K. Chandler
Serial No. : 09/172,689
Filed : October 14, 1998
For : Strawberry Transplant Conditioning For Flower Induction

Commissioner of Patents and Trademarks
Washington D.C. 20231

PETITION TO FILE APPLICATION WITHOUT
SIGNATURE OF JOINT INVENTOR

Sir:

A Petition and Fee for Extension of Time to May 3, 1999 accompanies this Petition.

Pursuant to 37 CFR 1.47(a), the applicants hereby petition to file the above-identified application without the signature of joint inventor Eric B. Bish. Mr. Bish was formerly employed by the University of Florida (UF). While working at UF, Mr. Bish contributed in an inventive manner to the project which ultimately resulted in the development of the subject matter claimed in the above-identified patent application. The subject application was originally filed as provisional patent application Serial No. 60/061,969. Mr. Bish executed an Assignment document for the provisional application, and a copy of that Assignment is enclosed. The executed assignment has been recorded in the United States Patent and Trademark Office at Reel 8850/Frame 0411. Mr. Bish has subsequently left the employ of UF.

Mr. Bish has indicated that he believes that he should be the sole inventor on the subject application. Therefore, he has refused to sign the declaration we provided to him and, instead, he has attempted to revise the Declaration and Power of Attorney form. The following is a brief summary of our efforts to obtain Mr. Bish's signature.

A copy of the application as filed, the Declaration and Power of Attorney, and Assignment documents were mailed to Mr. Bish On October 19, 1998. Mr. Bish returned the executed Declaration and Power of Attorney but revised the document by blocking out the names of the other inventors. Subsequent to receiving these forms from Mr. Bish, the undersigned investigated the inventorship issue and concluded that the inventors were properly identified. The undersigned has also conducted several telephone conversations with Mr. Bish during which the rules relating to inventorship, as well as the basis for the determination in this case, were explained. The undersigned believed that Mr. Bish had agreed to execute the documents and, therefore, on April 14, 1999 another letter with a new Declaration and Power of Attorney was sent to Mr. Bish via UPS courier with return UPS carrier package enclosed. On April 26, 1999 we received the executed Declaration and Power of Attorney form back from Mr. Bish with new revisions to the front page of the Declaration and Power of Attorney form. On April 26, 1999, a third letter with a new Declaration and Power of Attorney form was sent via UPS courier to Mr. Bish for his execution. This letter informed Mr. Bish that we could not submit the Declaration and Power of Attorney forms that he had already executed because of his revisions. We requested that Mr. Bish execute this new Declaration and Power of Attorney form and return it to us via UPS. The new forms have not been returned.

Thus, our extensive efforts to obtain Mr. Bish's signature on the Declaration (37 CFR 1.63) have been unsuccessful. Copies of the letters sent, the revised Declaration and Power of Attorney forms, and UPS courier receipts are included herewith.

Having made diligent, but unsuccessful, attempts to obtain Mr. Bish's signature, the applicants hereby petition to have the application be made by the other co-inventors on behalf of themselves and Mr. Bish.

The last known address of Mr. Bish is as follows:

Eric Bryan Bish
2008 New Hill Olive Chapel Road
New Hill, NC 27562 USA

Please charge the petition fee of \$130 to Deposit Account 19-0065. A Notice to File Missing Parts was received from the Patent Office, and a copy of that Notice accompanies this paper. Late-filed Declaration and Power of Attorney forms containing the signatures of the other inventors are transmitted herewith. Please charge the surcharge of \$65 to Deposit Account 19-0065.

The Commissioner is hereby authorized to charge any additional fees as required by 37 CFR 1.17(h) to Deposit Account No. 19-0065. Two copies of this Petition are enclosed for authorization of charges to the Deposit Account.

Respectfully submitted,



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DRS/la

Attachments: two copies of this Petition; copies of letters sent to non-signing inventor; copies of courier/Express Mail receipts; three (3) late-filed Declaration and Power of Attorney forms; copy of Notice to File Missing Parts